

Criteria for Attorney II

Underlying the creation of an Attorney II position is the understanding that lawyers, once they get to a certain point in their careers, can be doing more than handling their regular casework and routine community education. We expect our more experienced attorneys will continue to handle caseloads, and in fact that they will improve the quality of their work on regular cases. But we also want them to be using their experience to bring added elements to their work, and to add to the quality of work of others in the program.

The specific functions which indicate that attorneys are fulfilling an expanded role would include taking on supervision, training, significant litigation, heading or being involved in task forces, doing back up in substantive areas, doing allowable legislative or administrative work, spending significant time on program work including management and program committees, and working with the private bar and with other agencies on issues that affect our clients. While there is no way to set an objective standard on how much of this kind of work makes an Attorney II, as a general rule, at least 25% of an experienced attorney's time should be spent on doing more than ordinary work on routine cases.

The following are guiding principles for deciding whether an attorney meets the criteria for Attorney II.

1. It is not required that a person do all of the functions listed in order to be categorized as Attorney II. While someone in this role would ordinarily be engaging in several of these activities, the program might agree to have a person serve an Attorney II role even if they were performing only one of these functions, because that function was so important to the program.
2. To the maximum extent possible, Attorney II functions need to be performed with other people in order to give experience back to the program.
3. There is no one required function. Not every Attorney II needs to be involved in significant litigation, for instance, although we would expect that every attorney in the program take a stab at larger cases and be given the opportunity and encouragement to do so.
4. Taking on Attorney II responsibility is in part a matter of attitude, for instance, one can perform some of the Attorney II functions through regular casework, by looking for new and important issues to raise and by communicating with other people about how to find similar issues in their cases as well.
5. Attorney II is a fluid notion; what one person does will be based on their interests and strengths and on program needs. This could obviously change with time. For instance, the program might need an attorney to fill a backup substantive role at one time and then need that attorney to do supervision instead. Similarly, individual interests may change, leading to a renegotiated role. And what the program will expect from different attorneys will also vary with their experience. There should be different expectations for a 6th year lawyer and a 15th year attorney even though they both may be designated as Attorney II.

Finally, while these guidelines articulate standards for Attorney II, they also identify some of the qualities of leadership. That is no accident. The Attorney II model is being adopted to encourage experienced attorneys to take on more responsibilities in response to program needs, and to do so in a way which involves and is a model for other staff.